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17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF SAMANTHA
WOLFF IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANT CITY OF PALOS
VERDES ESTATES AND CHIEF OF
POLICE KEPLEY'S MOTION TO
STRIKE DECLARATION OF DR.
PHILIP KING**

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v.

Judge: Hon. S. James Otero
Date: February 21, 2017
Time: 10:00 a.m.
Crtrm.: 10C

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

I, Samantha Wolff, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Hanson Bridgett LLP, and my firm, along with Otten Law PC, is counsel of record for Plaintiffs Cory Spencer, Diana Milena Reed, and Coastal Protection Rangers, Inc. in this matter. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. On December 20, 2016, Plaintiffs retained Dr. Philip King for the purpose of performing a preliminary analysis with respect to the estimated number of expected beachgoers at Lunada Bay and the estimated range of monetary damages suffered by beachgoers who were prevented from accessing Lunada Bay. Dr. King agreed to prepare a declaration in support

1 of Plaintiffs' class certification motion describing the results of his preliminary
2 analysis.

3 3. On January 12, 2017 at 11:51 a.m., I received an e-mail from
4 Jacob Song, advising that the City "intends to bring a motion to strike
5 portions of the Declarations of Peter King" and asking to meet and confer
6 that afternoon or the following day in accordance with Local Rule 7-3. I
7 responded to Mr. Song within two hours, advising that Mr. Franklin and I
8 would be available at 3:00 p.m. that afternoon. I also requested that Mr.
9 Song clarify whether the City was proposing to strike portions of the
10 declaration of Philip King. A true and correct copy of the above-described
11 email exchange between myself and Mr. Song is attached as **Exhibit A**.

12 4. Mr. Franklin and I spoke with Mr. Song at 3:00 p.m. that same
13 day. Mr. Song requested that Plaintiffs agree to withdraw Dr. King's
14 declaration, which we declined to do. He advised that the City would be
15 filing its motion to strike Dr. King's declaration the following week due to the
16 Local Rule's requirement that a moving party meet and confer at least one
17 week prior to filing its motion.

18 5. Within an hour after our meet and confer call concluded, I
19 emailed Mr. Song and stated that although Plaintiffs disagreed that Dr.
20 King's declaration failed to specify his methodology, "in the interest of
21 meeting and conferring under Local Rule 7-3 and avoiding an unnecessary
22 motion, we would agree to provide a supplemental declaration." I further
23 suggested that "[i]f there is a particular paragraph or lines in Dr. King's
24 declaration that causes the City pause, we could explore it specifically." Mr.
25 Song replied to my email and explained that because the City's opposition
26 brief was due the following day, the City was "not in a position to agree to
27 [Plaintiffs'] proposal." A true and correct copy of Mr. Song's email is
28 attached as **Exhibit B**.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed February 3, 2017, at San Francisco, California.

/s/ Samantha D. Wolff
Samantha D. Wolff

Exhibit A

Samantha Wolff

From: Samantha Wolff
Sent: Thursday, January 12, 2017 1:39 PM
To: Song, Jacob; Kurt A. Franklin; vic@ottenlawpc.com
Cc: Hewitt, Antoinette P.
Subject: RE: Spencer, et al. v. Lunada Bay Boys, et al. - request for L.R. 7-3 conference of counsel

We are available at 3pm today. Let us know what number to call. And to clarify, do you mean the declaration of Philip King?

From: Song, Jacob [mailto:Jacob.Song@KutakRock.com]
Sent: Thursday, January 12, 2017 11:51 AM
To: Samantha Wolff <SWolff@hansonbridgett.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; vic@ottenlawpc.com
Cc: Hewitt, Antoinette P. <Antoinette.Hewitt@KutakRock.com>
Subject: Spencer, et al. v. Lunada Bay Boys, et al. - request for L.R. 7-3 conference of counsel

Counsel:

The City intends to bring a motion to strike portions of the Declaration of Peter King filed by Plaintiffs in support of their class certification motion. Please advise if you are available this afternoon or tomorrow to conduct the L.R. 7-3 conference of counsel.

Sincerely,

Jacob Song | Associate | Kutak Rock LLP
5 Park Plaza, Suite 1500, Irvine, CA 92614-8595
D (949) 417-0979 | O (949) 417-0999
jacob.song@kutakrock.com | www.KutakRock.com

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Thank you.

Exhibit B

Samantha Wolff

From: Song, Jacob <Jacob.Song@KutakRock.com>
Sent: Thursday, January 12, 2017 5:06 PM
To: Samantha Wolff
Cc: Kurt A. Franklin; Hewitt, Antoinette P.; Richards, Edwin J.
Subject: RE: Lunada - Declaration of Philip King

Samantha,

Thank you for the continued meet and confer efforts. The City's opposition is due in less than 24 hours, and we have and continue to prepare that opposition based upon the state of Plaintiffs' class certification papers as of the December 29, 2016 filing date. Therefore, we are not in a position to agree to your proposal.

Sincerely,

Jacob

From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Thursday, January 12, 2017 4:09 PM
To: Song, Jacob
Cc: Kurt A. Franklin
Subject: Lunada - Declaration of Philip King

Jacob,

Following up on our call today, while we disagree that Philip King's declaration fails to adequately specify his methodology, in the interest of meeting and conferring under Local Rule 7-3 and avoiding an unnecessary motion, we would agree to provide a supplemental declaration. If there is a particular paragraph or lines in Dr. King's declaration that causes the City pause, we could explore it specifically. Please let me know if the City would like to explore this as a way to address its concerns.

Sincerely,
Samantha

Samantha Wolff

Partner

Hanson Bridgett LLP
(415) 995-5020 Direct
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swolff@hansonbridgett.com



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